

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA No.660/93

Date of decision: 14-7-93

Shri Joginder Singh

Versus Union of India & Others

CORAM

Hon'ble Shri C.J. Roy, Member (J)

For the applicant .. Shri D.S.Chaudhary, Counsel

For the respondents .. Smt. Meera Chhibber, Counsel

JUDGEMENT

This application is filed under Section 19 of the CAT Act against the order dated 23.2.93 by which the applicant Shri Joginder Singh, TGT Science-A stands transferred from GBSSS, Magazine Road, Delhi to GBSSS, New Police Line, Delhi. The applicant joined his service on 21.1.86 and was posted to GBSSS, Magazine Road with effect from 9.8.1989. The applicant claims ignorance of the said order but claims to have obtained a copy on his own. The applicant alleges that the said transfer order is actuated with malice and bias which the Principal, GBSSS, Magazine has developed against the applicant. Hence this application.

The applicant has filed an MP saying that he has not been allowed to join duty on 15.4.93 at the new school which fact he reported to the Deputy Director of Education(North) and the latter issued a modified transfer order posting the applicant to Ram Pura School. Even here also the applicant

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was not allowed to join duty when he went there on 5.5.93 and again on 13.5.93. He has been running from pillar to post but he is not being allowed to join duty in any school. He says that he has not received his salary for March and April, 1993 and he would not get salary even for May and June, 1993 as the schools are closed for summer vacation. He further says that there are three vacancies of TGT in the GBSSS, Magazine Road and he may be allowed to continue in the same school.

The respondents have filed their counter reply denying the allegations made by the applicant. They say that the GBSSS, Magazine Road no more exists as it is merged with some other school with effect from 1.4.93 and that the concerned authorities have already been instructed to release the salary to the applicant for March and April, 1993 after deciding about his leave. The respondents have already directed the Vice-Principal, Ram Pura School to allow the applicant to join his duty and intimated the applicant accordingly. They aver that the applicant duly received his transfer order and relieving order on 1.3.1993. He was supposed to join duty on 2.3.93 in GBSSS, Police Lines, but he remained absent without getting his leave sanctioned and reported for duty only on 15.4.93 but by that time that school also got merged with the Girls School of Police Lines with effect from 1.4.93. In view of this, the respondents pray that the application may be dismissed.

The applicant has also filed a rejoinder more or less asserting the same points again.

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I have heard Shri D.S. Chaudhary, learned counsel for the applicant and Smt. Meera Chhibber, learned counsel for the respondents and perused the records. There is also a letter on record from the Govt. Boys Senior Sec. School, Rampura addressed to the Admn. Officer, District North, Education Department, Delhi that the applicant would be allowed to join duty as and when he comes and file the joining report.

At the outset, I would say that the transfer is an incident of service and the applicant has no vested interest to stay posted in a particular place of his choice. Again this is only a transfer from one school to another in the same station and not from one station to another. Also in view of the claim of the respondents that the school where the applicant was earlier working has been merged with another school and that there is no vacancy in the merged school against which the applicant could be adjusted, the applicant has no claim whatsoever to remain in the same school. Thus the applicant has failed to come ^{up} with proper case for ^{my} ~~our~~ interference. The applicant is directed to join his new place of posting immediately. The respondents are directed to release the salary to the applicant after settling his leave account, if not done already, within one month from the date of joining of the applicant.

The application is therefore disposed of with no order as to costs.

(C.J. ROY) 14-7-93
Member (J)